

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>CHARLES MORROW, et al.,</b>	)	
	)	<b>CIVIL ACTION NO: 3:07-CV-617-MHT</b>
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>UNOPPOSED</b>
<b>FLOWERS FOODS, INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' UNOPPOSED MOTION TO CONTINUE TRIAL  
TO JANUARY 2009 TERM DUE TO TRIAL CONFLICT**

COME NOW Defendant Flowers Foods, Inc. (“Flowers Foods”), Defendant Flowers Baking Co. of Opelika, LLC (“Flowers/Opelika”), and Defendant Flowers Baking Co. of Thomasville, LLC (“Flowers/Thomasville”) (collectively, “Defendants”), by and through their undersigned counsel, hereby move for a continuance of the trial in this action, currently set for October 14, 2008, to the January 2009 trial term, or to such other date and time as the Court deems appropriate or necessary. As grounds for this motion, Defendants show:

1. Pursuant to the Court’s Uniform Scheduling Order, trial of this cause is set to begin on October 14, 2008. However, Defendants’ lead counsel, Kevin Hishta, has recently developed an unavoidable conflict with this trial setting due to his oldest daughter’s wedding and related preparations during the first half of the month of October 2008. Specifically, Mr. Hishta’s daughter became engaged on January 17, 2008 and she and her fiancée have selected October 18, 2008 as their wedding date. Mr. Hishta has discussed this conflict with lead counsel for the Plaintiffs, Joseph Guglielmo, and Plaintiffs have no objection to moving the trial date to

the January 2009 term. See Exhibit 1 attached hereto (email from Joseph Guglielmo to Kevin Hishta, Jan. 22, 2008).

WHEREFORE, Defendants request that the trial of this cause be continued from the scheduled date of October 14, 2008 to the January 2009 term, or such other term as the Court may deem necessary or appropriate.

Respectfully submitted this 24th day of January, 2008.

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*and*

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*Counsel for Defendants, Flowers Foods, Inc., Flowers Baking Co. of Opelika, LLC, and Flowers Baking Co. of Thomasville, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of January, 2008, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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/s/ Christopher W. Deering  
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# **EXHIBIT 1**

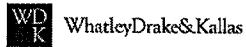
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**From:** Joseph P. Guglielmo [mailto:[jguglielmo@wdklaw.com](mailto:jguglielmo@wdklaw.com)]  
**Sent:** Tuesday, January 22, 2008 4:17 PM  
**To:** Hishita, Kevin  
**Cc:** Greg Davis; [ekirkwood1@cs.com](mailto:ekirkwood1@cs.com); Amy A. Weaver  
**Subject:** Flowers

Kevin, we have no objection to moving the trial date to the January 09 term.

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